

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested.

Claim 11 remains rejected under 35 USC 103 as being obvious over Martin in view of Ostrover, Ludwig, and Fujinami. For at least the following reasons, Applicant respectfully submits that amended claim 11 is not rendered obvious by the cited references.

Amended claim 11 is not identically disclosed in any cited prior art. The Examiner also recognizes that Martin, the most pertinent prior art, lacks the following four essential features:

- Martin teaches neither a digital display nor a multitasking operating system, nor mass storage means for storing audio and visual information in compressed form;
- Martin does not teach prioritizing a display task over an audio signal;
- Martin does not teach two series of temporary buffers for increasing the efficiency of the system (real-time system);
- Martin does not teach a scheduling module able to determine the state of status buffer means that are associated with respective temporary buffers.

Applicant respectfully submits that incorporating three additional pieces of prior art to overcome these four different problems changes Martin to the extent that it is no longer pertinent to the claimed invention. Applicant also respectfully submits that the

deficiencies in Martin (as recognized by the Examiner) are not made up for by the teachings of Ostrover, Ludwig, and Fujinami. Thus, Applicant respectfully submits that the cited references do not establish a *prima facie* case of obviousness. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Ostrover teaches a system for selectively combining numerous audio tracks recorded on an optical disk, including subtracting, by phase inversion, particular tracks from a full mix. Each track might contain a recording of an individual instrument, or a group of instruments. When the disk is played, the player provides the user with menu choices for which tracks should be played and mixed together. The present invention does not aim to create an orchestral mix by mixing tracks. Furthermore, this system comprises a microprocessor disk drive controller, which manages the disk drive operation, a demultiplexer, which distributes data to audio buffers, video buffer, pan scan buffer, and subtitle buffer. The audio buffers and video buffer store respectively audio data and video data to transmit them to a respective audio or video decoder. The data is delivered to the respective buffer only until the buffer is full, and for a purpose different from the present invention. All the buffers include an output linked to an OR gate to inform the disk drive controller that any one of the buffers is full, setting a BUFFER FULL state. Therefore, the disk drive controller causes the disk drive to stop reading data.

In the present invention, the architecture of the system is different, as each buffer has its own corresponding specific buffer state means rather than only one buffer full

state. In this case, the microprocessor can identify which buffer contains data. It also is respectfully submitted that only the claimed invention relates to a real-time audiovisual reproduction system. Moreover, in Ostrover, the buffer states represent a different meaning than that of the claimed invention. The buffer full state of Ostrover means that at least one buffer is full of data. However, the active buffer state of the present invention means that the respective buffer contains data. These buffer states are not used for the same purposes. The buffer full state allows the disk drive controller causing the disk drive to stop reading data. The active buffer state allows the scheduling module of the present invention to trigger or to suspend a task of the operating system.

The problem of the present invention consists of equipping the audio and video reproduction interface of two temporary buffers so as to accelerate the transmission speed and the audio and video data processing and controlling the scheduling module for giving the priority of the audio and video tasks so that it may run in real-time. All the features given in amended claim 11 allow this problem to be solved and are, therefore, indissociable. Ostrover does not contemplate running the audio means and the video means in real-time. In the present invention, the reproduction means must work in real-time to obtain a correct and continuous record. Additionally, Ostrover does not teach the other claimed features concerning task priority and a scheduling module.

Consequently, in view of the observation above, the combination between Martin and Ostrover does not anticipate amended claim 11, as neither Martin nor Ostrover

disclose a scheduling module to manage the operating system tasks. A system of this combination does not allow running the operating system tasks in real-time.

The Examiner asserts Fujinami teaches the features of assigning a higher priority to a video signal and a lower one to an audio signal. But Fujinami is only directed to a data demultiplexer, not an audiovisual reproduction system. It is respectfully submitted that 35 USC 103 refers to a "comparison between the subject matter sought to be patented and the prior art" for a person having ordinary skill in the art to which the subject matter pertains. However, a patent related to a specific data demultiplexer could not be found by one of ordinary skill in the art. We also respectfully submit that this prior art is not found in the same U.SCI. (370/84). Thus, the subject matter of the claimed invention does not pertain to the specific domain of Fujinami insofar as Fujinami deals with a data demultiplexer.

Applicant notes that Ludwig and Fujinami are not in the same U. S. classification category as the present invention. Applicant respectfully urges the Examiner to consider the claim as a whole, rather than dissecting the claim and evaluating the elements in isolation by picking up disclosures in prior art references without first considering the pertinence of the combination of the prior art references.

Still, even in view of Fujinami, it cannot be said, that the cited prior art clearly suggests the whole claimed invention. Unlike Fujinami, amended claim 11 recites a scheduling module performing a test to determine the state of status buffer means

provided for the temporary buffers that store audio data if the status buffer means provided for the temporary buffers that store video data are in an inactive state.

Applicant respectfully submits that the claimed solution with specific buffers is not inherent in multitasking operating systems – indeed, the Examiner’s search has not produced documents related to a real-time audiovisual reproduction device.

Applicant respectfully submits that the actual problem explicitly indicated in Ostrover (selectively combining numerous audio tracks recorded on an optical disk) does not correspond to, or even suggest, the problem addressed in this application. Thus, it cannot be said that the invention resides only in using data buffers (as in Ostrover). Such a conclusion would merely be the result of *a posteriori* analysis, i.e. an interpretation of this prior document as influenced by the problem solved by the invention, when the problem was neither mentioned nor suggested by the authors of those documents, nor known to one skilled in the art.

Dependent claims 12-15 remain rejected under 35 USC 103 as being obvious over Martin in view of Ostrover, Ludwig, and Fujinami. Dependent claims 16-17 remain rejected under 35 USC 103 as being obvious over Martin, Ostrover, Ludwig, and Fujinami in view of Knowles. Dependent claims 18-19 remain rejected under 35 USC 103 as being obvious over Martin, Ostrover, Ludwig, and Fujinami in view of Johnson. Dependent claim 20 remains rejected under 35 USC 103 as being obvious over Martin, Ostrover, Ludwig, Fujinami, and Johnson in view of Knowles. For at least the following

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June 16, 2005

reasons, Applicant respectfully submits that dependent claims 12-20 are not rendered obvious by the cited references.

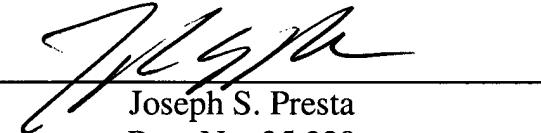
Thus, these claims are allowable at least by virtue of their dependency from the allowable, independent amended claim 11.

For at least the foregoing reasons, Applicant respectfully submits that the invention defined by the amended claims herein is not taught or suggested by the prior art of record. Thus, withdrawal of the rejections and allowance of this application are earnestly solicited.

Respectfully submitted,

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